



WASHINGTON STATE PROCUREMENT POLICY

Effective Date:
Approved by: /s/

Cancels: N/A
See Also: RCW 39.26.280, RCW 39.26.290,
Executive Order 04-01

POL-DES-XXX-00 PURCHASING PREFERENCE FOR PRODUCTS AND PRODUCTS IN PACKAGING THAT DO NOT CONTAIN POLYCHLORINATED BIPHENYLS (PCBs)

This policy establishes the purchasing preference authorized in RCW 39.26.280 for Agencies purchasing products and products in packaging that do not contain polychlorinated biphenyls (PCBs). The intent is to incentivize the State's contract suppliers to provide products and products in packaging that do not contain PCBs.

Commented [WC1]: "Do not contain" should be better defined up front per the point 1b(iii) below.

1. Preference for products and products in packaging that do not contain PCBs.

- a. In any competitive procurement for goods pursuant to RCW 39.26, Agencies shall apply a minimum of five percent preference to each Bid submitted, by applicable product that includes a certification meeting the requirements of this Policy.
- b. The preference shall only be applied to Bids for which the certification submitted meets the following requirements:
 - i. Is signed by an authorized official of the Bidder under penalty of perjury;
 - ii. States that the specified product(s) or product's packaging for which the preference is sought, as tested, does not contain PCBs within the limits of the test; and
 - iii. Includes the test results for the specified product(s) or product's packaging confirming that the same do not contain PCBs within the limits of the test. Such test results shall have been performed within the previous 365 days prior to bid submittal, and the test shall have been performed by an independent, third party laboratory using Environmental Protection Agency (EPA) Analytical Method 1668c.
- c. Preference language must be clearly stated and included in Agency procurement requests and solicitations for product's and product's packaging issued after the effective date of this policy.

Commented [WC2]: Detection limits or quantifiable limits? This is important as Limit of Detection is different than Limit of Quantification. It would be even better if there was a specific limit – say 1 ppm; also the LOQ and LOD can be fudged depending on the background interferences – they can differ by an orders of magnitude depending on the matrix (see Table 2 in EPA Method 1668C – water vs other matrix MDLs and MLs)

Also, are we talking total PCB concentration, individual PCB concentration? It would have to be total concentration because 1668C cannot detect all the individual congeners

Also, what is the denominator here? Total packaging, ink, sample of packaging? Heavier packaging could be advantaged, even though it may have a greater overall environmental impact.

Also, if the LOQ (limit of quantification) is ~2 ppt (assuming other matrix) it is so low, that I doubt anyone could meet the requirements. The WA State report ([[HYPERLINK "https://fortress.wa.gov/ecy/publications/documents/1604014.pdf"](https://fortress.wa.gov/ecy/publications/documents/1604014.pdf)]) lowest level was measured at 100s ppt levels (0.x ppb levels). So, everything in that report would fail the criteria.

2. Best value criteria

- a. This Policy does not preclude Agencies from developing procurements to meet Agency needs and, in particular, consistent with Legislative direction set forth in RCW 39.26.160(3), to design procurements to minimize adverse impacts to human health and the environment or to weigh cost and noncost considerations.

3. Agencies will be required to complete PCBs procurement and purchasing training

- a. Within 6 months of the effective date of this policy, personnel who are responsible for procurement requests, solicitations, purchasing (acquiring), or managing contracts that contain products or products in packaging shall complete a mandatory training on PCBs Procurement and Purchasing provided by DES.

- b. New employees, employees assigned new responsibilities/duties, and employees in new positions: Employees assigned these responsibilities after the initial 6 month implementation period of this policy shall complete the required training within 90 days of assignment.

4. Agencies will document and retain purchasing decisions that reflect compliance with RCW 39.26.280 and this Policy.